

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

JOHN GOODEN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 06-CV-618-GKF-FHM
)	
OMNI AIR TRANSPORT L.L.C. and OMNI)	
AIR INTERNATIONAL, Inc.)	
)	
Defendants.)	
)	

OPINION AND ORDER

In this case, plaintiff alleges the Court has subject matter jurisdiction based on the parties' diversity of citizenship pursuant to 28 U.S.C. § 1332. *See* ¶ 4 of Plaintiff's Complaint. "In a case with multiple plaintiffs and multiple defendants, the presence in the action of a single plaintiff from the same State as a single defendant deprives the district court of original diversity jurisdiction over the entire action." *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 553 (2005) (citing *Strawbridge v. Curtiss*, 2 L.Ed. 435 (1806)).

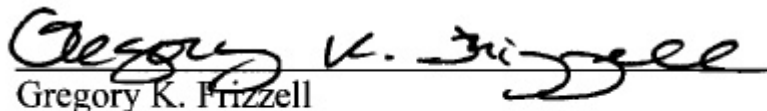
For diversity purposes, a corporation is a citizen of both the state of incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). The Tenth Circuit has not directly determined the citizenship of limited liability companies for purposes of diversity jurisdiction. "Other courts, however, have uniformly held that a limited liability company is a citizen of the states of which its members are citizens. . . ." *Hale v. MasterSoft Int'l. Pty. Ltd.*, 93 F. Supp. 2d 1108, 1112 (D. Colo., 2000); *See also Cosgrove v. Bartolotta*, 150 F. 3d 729, 731 (7th Cir.1998).

Plaintiff alleges in his Complaint that defendants Omni Air Transport L.L.C. and Omni Air International, Inc. ("Omni") are both "incorporated" in the state of Nevada. However, neither the

principal place of business of Omni Air International, Inc. nor the citizenship of Omni Air Transport L.L.C.'s members is identified.

“Federal courts ‘have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.’” *Image Software, Inc. v. Reynolds and Reynolds Co.*, 459 F. 3d 1044, 1048 (10th Cir. 2006) (quoting *Arbaugh v. Y&H Corp.*, 546 U.S. 500 (2006)). In order to determine whether this Court has subject matter jurisdiction, an issue which may be raised at any time, the parties are hereby ordered and directed to file, on or before July 25, 2007, evidentiary materials identifying the principal place of business of Omni Air International, Inc. and the states in which Omni Air Transport L.L.C.'s members are citizens.

IT IS SO ORDERED this 10th day of July 2007.

A handwritten signature in black ink, reading "Gregory K. Frizzell". The signature is written in a cursive, flowing style. The first name "Gregory" is written with a large, prominent "G". The middle initial "K." is written in a smaller, more compact script. The last name "Frizzell" is written with a long, sweeping "l" that extends to the right.

Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma